THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.24949 of 2006

Dated: 01.12.2006

Between:

M. Munaswamy Reddy.

.... PETITIONER

AND

The Chief General Manager, HRD and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.24949 of 2006

ORDER

Questioning the proceedings dated 24.11.2006 of the 2nd respondent, wherein the petitioner was placed under suspension pending enquiry on the ground that he is involved in a criminal case for producing a false birth certificate, the present writ petition is filed.

2. Learned counsel for the petitioner submits that there is no material to implicate the petitioner in the criminal case or to suspend him from service, and the action of the respondents in placing him under suspension at the verge of his retirement, is illegal and arbitrary. He further submits that the impugned suspension order was issued to the petitioner with a *mala fide* intention to victimize him, and therefore, the impugned order be set aside and the petitioner be reinstated into service.

3. As can be seen from the record, the impugned order is passed on 24.11.2006 and the present petition is filed on 29.11.2006 i.e., within 5 days from the date of the impugned order. Therefore, it is too early to give any direction as sought for by the petitioner. In service jurisprudence suspension pending enquiry is not a punishment. In the enquiry, if the charges leveled against

the petitioner are not proved, his suspension will be revoked and he will be paid all the consequential benefits. Hence, it is not proper for this Court at this stage to interfere with the order of suspension pending enquiry.

4 . However, the petitioner is at liberty to submit his explanation to the impugned suspension order, and if the petitioner submits his explanation, the respondents shall consider the case of the petitioner for revocation of suspension based on the material available on record.

5. With the observations as above, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 01.12.2006

sj/nsr